

## Attorneys for Plaintiffs

1800 SOUTH MAPLE STREET, LLC, a  
California Limited Liability Company;  
RALPH J. GIANNELLA, an individual;  
GIANNELLA PROPERTIES, INC., a  
California Corporation; WILLIAM G.  
Ayyad, an individual; WILLIAM G.  
Ayyad, INC., a California Corporation; and  
PREMIER COMMUNITIES, LLC, a  
California Limited Liability Company.

Plaintiffs,

v.

ALLIED PROPERTY AND CASUALTY  
INSURANCE COMPANY, an Iowa  
Corporation; AMCO INSURANCE  
COMPANY, an Iowa Corporation;  
NATIONWIDE MUTUAL INSURANCE  
COMPANY, an Ohio Corporation, and DOES  
1 through 100, inclusive,

Defendants.

CASE NO. 07-CV-2030

**DECLARATION OF CHARLES L.  
FANNING IV IN SUPPORT OF  
PLAINTIFFS' REPLY TO  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION FOR ORDER  
PERMITTING LEAVE TO AMEND  
COMPLAINT; EXHIBITS**

Date: February 29, 2009  
Time: 1:30 P.M.  
Courtroom: Hon. Judge Jeffrey T. Miller

Filed: September 10, 2007  
Trial: TBD

1. I am an attorney at law duly admitted to practice before all the courts of the State of California. I am a member of the firm of Rockwood & Noziska, LLP, and one of the

1 attorneys of record for Plaintiffs 1800 SOUTH MAPLE STREET, LLC, a California limited  
2 liability company; RALPH J. GIANNELLA, an individual; GIANNELLA PROPERTIES,  
3 INC., a California corporation; WILLIAM G. AYYAD, an individual; WILLIAM G.  
4 AYYAD, INC., a California corporation; and PREMIER COMMUNITIES, LLC, a California  
5 Limited Liability Company. This declaration is tendered in support of Plaintiffs' attached  
6 Reply to Defendants' Opposition to Plaintiffs' Motion for Order Permitting Leave to Amend  
7 their Complaint.

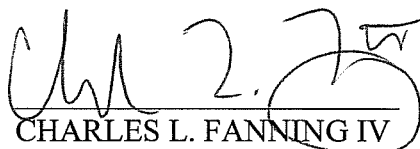
8 2. If called as a witness I could competently testify that I have first hand  
9 knowledge of the following:

10 3. Attached as Exhibit "A" to this declaration is a true and correct copy of  
11 excerpts from the deposition transcript of David Everett. Said deposition took place on May  
12 30, 2007.

13 4. Attached as Exhibit "B" to this declaration is a true and correct copy of  
14 excerpts from the deposition transcript of Carl Panico. Said deposition took place on  
15 November 29, 2007.

16 I declare under penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct. Executed this 22<sup>nd</sup> day of February, 2008 in San Diego,  
18 California.

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CHARLES L. FANNING IV